

Application Serial No. 10/712,840
Amendment dated March 13, 2006
Response to Office Action dated December 13, 2005

Remarks/Arguments

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed December 13, 2005, setting a three month shortened statutory period for response ending March 13, 2006. Claim 28 has been amended. Support for the amendment is found in the specification, claims, and drawings as originally filed. No new matter has been added. Claims 1-10, 15-17, 19-21 and 25-35 remain pending in the Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

On page 2 of the Office Action, the Examiner rejected claim 28 under 35 U.S.C. 102(b) as being anticipated Zavracky (U.S. 5,638,946). Claim 28 has been amended to recite:

28. (Currently Amended) A flexible member, comprising:
an elongated body having a length;
one or more electrostatically actuated actuators positioned at selected locations along the length of the elongated body, the one or more electrostatically actuated actuators, when activated, providing a force in the length direction of the elongated body to change the shape of the flexible member; and
a controller for controlling the one or more electrostatically actuated actuators.

Zavracky does not appear to teach each and every element of claim 28, as amended. For example, Zavracky does not appear to teach an elongated body with one or more electrostatically actuated actuators positioned at selected locations along the length of the elongated body, wherein the one or more electrostatically actuated actuators, when activated, provide a force in the length direction of the elongated body to change the shape of the flexible member.

According to the Examiner remarks, the elongated body of claim 28 corresponds to the beam 72 of Zavracky (see, for example, Figure 3B of Zavracky). In Zavracky, an electrostatic force appears to be generated between the gate contact 64 and the upper isolated electrode 74 to move the beam downward so that the beam contact 76 contacts the drain contact 66 (forming a switch). As can be seen, the electrostatic force of Zavracky does not appear to be provided in the length direction of the elongated body, as recited in claim 28. Rather, the electrostatic force appears to be generated in a direction that is substantially perpendicular to the length direction of the elongated body (e.g. beam 72). For these and other reasons, claim 28 as amended, is

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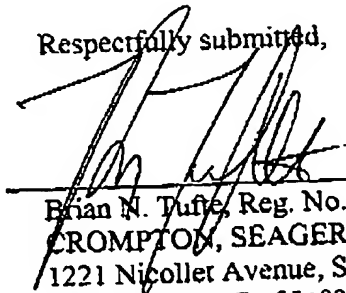
believed to be clearly patentable over Zavracky.

On page 3 of the Office Action, the Examiner indicates that claims 1-10, 15-17, 19-21, 25-27 and 29-35 are allowed.

In view of the foregoing, all pending claims 1-10, 15-17, 19-21 and 25-35 are now believed to be in condition for allowance. Reexamination and reconsideration are respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 359-9348.

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Respectfully submitted,



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